

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460



OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

June 22, 2016

F. Sherman Blom  
1535 W. Thatcher Blvd, #48  
Safford, AZ 85546

**RE:** Response to Freedom of Information Request: EPA-HQ-2016-007352

Dear Mr. Blom:

This letter responds to your above referenced Freedom of Information Act (FOIA) request that was referred to the Environmental Protection Agency (EPA) for a release determination by the United States Department of Justice (DOJ). The Office of Criminal Enforcement, Forensics and Training (OCEFT) has enclosed documents referred to EPA by DOJ which are responsive to your request. Some portions of these documents have been redacted because they are exempt from mandatory disclosure by virtue of 5 U.S.C. § 552(b)(7)(C), which exempts from disclosure records or information compiled for law enforcement purposes that could cause an unwarranted invasion of personal privacy. You will not be billed for the cost of processing this FOIA request, as the cost did not meet the minimum threshold for billing.

If you are not satisfied with my action on this request, you may submit a written appeal to the National Freedom of Information Officer, FOIA and Privacy Branch (2822T), United States Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460 (U.S. Postal Service Only), or by fax: (202) 566-2147, or by e-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, DC 20004.

Your appeal must be in writing and submitted no later than 30 calendar days from the date of this letter. The agency will not consider appeals received after the 30 calendar day limit. The appeal letter should clearly identify the determination being appealed, including the assigned FOIA request number shown above. For quickest possible handling, both the appeal letter and its envelope should be clearly marked "Freedom of Information Act Appeal."

Should you have additional questions regarding this response, please contact Isabelle Pettiford of my staff via e-mail at [pettiford.isabelle@epa.gov](mailto:pettiford.isabelle@epa.gov) or by telephone at (202) 564-7396.

Sincerely,

A handwritten signature in blue ink that reads "Thomas J. Seaton for". The signature is fluid and cursive.

Michael R. Fisher Director  
Legal Counsel Division  
Office of Criminal Enforcement,  
Forensics & Training

Attachment

cc: National Freedom of Information Officer  
FOIA and Privacy Branch (2822T  
U.S. Department of Interior

# United States District Court

For the DISTRICT OF Wyoming

In the Matter of the Search of

NAME, ADDRESS OR BEST DESCRIPTION OF PERSON, PROPERTY OR PREMISES TO BE SEARCHED

Wyoming Department of Agriculture  
Weights and Measures Laboratory Building  
1510 East 5th Street  
Cheyenne, Wyoming

## APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER: 9100160

I, U.S. Environmental Protection Agency being duly sworn depose and say:  
I am a(n) Special Agent, Criminal Investigation Division and have reason to believe

that ☐ on the person of or ☒ on the property or premises known as See Attachment A, incorporated herein by reference.

In the Wyoming District of Wyoming  
there is now concealed a certain person or property, namely See Attachment B, incorporated herein by reference.

See Attachment B, incorporated herein by reference.

which is See Attachment C, incorporated herein by reference.

Evidence of the violation of the statutes described in Attachment C.  
concerning a violation of Title 7 United States code, Section(s) 136

The facts to support a finding of Probable Cause are as follows:

See attached Affidavit.

AFFIDAVIT HAS BEEN SUPPLEMENTED BY TAPE RECORDED ORAL TESTIMONY.

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Signature of Affiant

Sworn to before me, and subscribed in my presence

SEP 04 1991

Date

William C. Beaman  
United States Magistrate

Name and Title of Judicial Officer

at

Cheyenne, WY  
City and State

PREPARED A TRUE AND CORRECT COPY

Signature of Judicial Officer William C. Beaman Page 4 of 15

REFERRAL

Attachment A

**Premises To Be Searched:**

The Wyoming Department of Agriculture Weights and Measures Laboratory Building, 1510 East 5th Street, Cheyenne, Wyoming. The building is a single story dark brown cinder block building with three metal overhead doors on the south side of the building and a glass door on the east side of the building with the numbers 1510 on the glass. The building has a sign immediately east of the glass door reading "Wyoming Department of Agriculture Weights and Measures Lab." This building lies immediately north of the State of Wyoming Liquor Commission Warehouse and Distribution Center which is located at 1520 East 5th Street, Cheyenne, Wyoming.



# United States District Court

For the DISTRICT OF Wyoming

In the Matter of the Search of

(Name, address or other description of person or property to be searched)

Wyoming Department of Agriculture  
Weights and Measures Laboratory Building  
1510 East 5th Street  
Cheyenne, Wyoming

## SEARCH WARRANT

CASE NUMBER: 91 DC160

TO: \_\_\_\_\_ and any Authorized Officer of the United States  
Environmental Protection Agency, Criminal Investigation Division and support staff,  
U.S. Fish and Wildlife Service Agents  
Affidavit(s) having been made before me by \_\_\_\_\_ who has reason to

believe that ☐ on the person of or ☒ on the premises known as (name, description and/or location)

See Attachment A, incorporated herein by reference.

In the State and District of Wyoming there is now  
concealed a certain person or property, namely (describe the person or property)

See Attachment B, incorporated herein by reference.

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before

SEP 13 1991

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime — 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to \_\_\_\_\_ as required by law.

SEP 04 1991

Date and Time Issued

2:50 pm

at

Cheyenne, WY

CERTIFIED A TRUE AND CORRECT COPY

*[Signature]*

Signature of Judicial Officer

*[Signature]*

Name and Title of Judicial Officer

Consultation

***Environmental Protection Agency***

Attachment A

**Premises To Be Searched:**

The Wyoming Department of Agriculture Weights and Measures Laboratory Building, 1510 East 5th Street, Cheyenne, Wyoming. The building is a single story dark brown cinder block building with three metal overhead doors on the south side of the building and a glass door on the east side of the building with the numbers 1510 on the glass. The building has a sign immediately east of the glass door reading "Wyoming Department of Agriculture Weights and Measures Lab." This building lies immediately north of the State of Wyoming Liquor Commission Warehouse and Distribution Center which is located at 1520 East 5th Street, Cheyenne, Wyoming.

Attachment B**Description Of Property To Be seized:**

All pesticides and poisons and all cans, jars, bottles, containers, file cabinets, safes, desks, and drawers in which they are being stored. All instruments, equipment, scales, testing or measuring devices used for handling, packaging, sampling, or storing pesticides. All devices which are used for applying, distributing, or releasing pesticides into the environment or directing it at an intended target. All pamphlets, books, reports, labels, and government documents, either tangible or on computer disks, providing instructions on the use, content, or danger of particular pesticides and such materials describing the laws, regulations, and restrictions governing the distribution or use of any pesticide or poison. All inventory lists or descriptions by name, type, or use of the pesticides that are currently stored in the WDOA Lab Building or that have at any time been stored or disposed of at, brought to, or distributed from the WDOA Lab Building. Documents and computer disks containing the names, addresses or telephone numbers of individuals or entities who have brought or offered to bring pesticides to or who have taken pesticides from the WDOA Lab Building and all records of money paid by or received from such individuals or entities relating to the distribution, transportation, or disposal of pesticides or equipment involved in their use. Any kiln, heating unit, or device and all of its appurtenances that have been used or could have been used for the heating or burning of pesticides or their containers. Any by-product or sludge from any process of destruction, heating, or disposal of any pesticide.



Attachment B**Description Of Property To Be seized:**

All pesticides and poisons and all cans, jars, bottles, containers, file cabinets, safes, desks, and drawers in which they are being stored. All instruments, equipment, scales, testing or measuring devices used for handling, packaging, sampling, or storing pesticides. All devices which are used for applying, distributing, or releasing pesticides into the environment or directing it at an intended target. All pamphlets, books, reports, labels, and government documents, either tangible or on computer disks, providing instructions on the use, content, or danger of particular pesticides and such materials describing the laws, regulations, and restrictions governing the distribution or use of any pesticide or poison. All inventory lists or descriptions by name, type, or use of the pesticides that are currently stored in the WDOA Lab Building or that have at any time been stored or disposed of at, brought to, or distributed from the WDOA Lab Building. Documents and computer disks containing the names, addresses or telephone numbers of individuals or entities who have brought or offered to bring pesticides to or who have taken pesticides from the WDOA Lab Building and all records of money paid by or received from such individuals or entities relating to the distribution, transportation, or disposal of pesticides or equipment involved in their use. Any kiln, heating unit, or device and all of its appurtenances that have been used or could have been used for the heating or burning of pesticides or their containers. Any by-product or sludge from any process of destruction, heating, or disposal of any pesticide.

Attachment C

**Statutory Provisions Violated:**

Based upon the information provided by \_\_\_\_\_ and the CPI, I submit that there is probable cause to believe that there is evidence at the WDOA Laboratory Building (as described in Attachment A) of violations of the following statutes:

7 U.S.C. 136j(a)(1) - The distribution or holding for distribution of an unregistered pesticide.

7 U.S.C. 136j(a)(2)(f) - The making available for use or the use of any registered pesticide classified for restricted use for any purpose other than those for which it is registered.

7 U.S.C. 136j(a)(2)(G) - The use of any registered pesticide in a manner inconsistent with its labeling.

7 U.S.C. 136j(a)(2)(I), (J), (K) - The violation of any order, suspension order, or registration cancellation issued by EPA.

42 U.S.C. 6928(d)(2)(A) - The knowing treatment storage or disposal of a hazardous waste without an appropriate permit.

16 U.S.C. Sections 703-711, The Migratory Bird Treaty Act - The illegal taking of eagles, a protected species under the Act.

## Affidavit of

I, \_\_\_\_\_, being duly sworn to hereby depose and say:

1. I am a Special Agent with the Criminal Investigation Division, U.S. Environmental Protection Agency (EPA), assigned to the Denver Area office, Denver, Colorado. I have been a Special Agent for 30 months. I have worked for EPA for the past 11 years. During that time, I have attended training sessions on investigating violations of the environmental laws of the United States. I have conducted at least 500 environmental investigations in the past 11 years.
2. The EPA Criminal Investigation Division has primary jurisdiction to investigate alleged criminal violations of environmental laws of the United States. These laws include the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. Section 136a et seq.) and the Resource Conservation and Recovery Act (RCRA, 42 U.S.C. Section 6901, et seq.), and other statutes.

INTRODUCTION

3. This application for a search warrant has developed from a covert investigation conducted by the U.S. Fish and Wildlife Service (FWS) into the killing of protected species such as golden and bald eagles through the illegal use in western states of highly toxic pesticides which have been restricted or banned by the Environmental Protection Agency (EPA). These pesticides are distributed throughout vast areas of rangeland where they poison wildlife and pose a danger to domesticated animals and to humans.
4. Based upon the information it has obtained during the course of its investigation, the government submits that there is probable cause to believe that:
  - restricted use and unregistered pesticides are being sold at, distributed from, and are being held for sale or distribution, in violation of federal law, at the building for which this search warrant is being sought.
  - a spent or used pesticide which is a listed hazardous waste is being disposed of, in violation of federal law, at the building for which this search warrant is being sought.
  - there is evidence in the building for which this search warrant is being sought of the poisoning of eagles in violation of federal law.



APPLICABLE LAWS  
FIFRA

5. The Federal Insecticide Fungicide and Rodenticide Act (FIFRA, 7 U.S.C. 136a et seq) regulates the manufacture, distribution, and use of pesticides. Under section 136a of FIFRA, EPA is authorized to register pesticides according to what it establishes to be their safe and effective uses. A pesticide may only be distributed or used in a form and manner consistent with the terms of its registration. The distribution or the holding for distribution of any unregistered pesticide is a criminal violation of FIFRA, 7 U.S.C. 136j (a) (1). It is also unlawful for any person to use any pesticide in a manner inconsistent with the terms of its registration or labeling.
6. Sodium fluoroacetate (1080), sodium cyanide, and strychnine are restricted use pesticides under 40 CFR 152.175 and thus may only be used for specific purposes and by methods designated by EPA. The registration of 1080, sodium cyanide, and strychnine for use against predators was canceled under a 1972 EPA order. EPA has since modified its order allowing 1080 to be used only in sealed collars to be placed on sheep to protect them from predators. These collars can be distributed only by and to parties specifically licensed to handle them. 1080 may not be distributed or used in any form but in the sealed animal collars.
7. Since 1975 EPA has allowed sodium cyanide to be used for predator control only in capsule form in a spring-loaded ejector called an M-44. Sodium cyanide capsules may only be distributed to parties who have received training and who are licensed for their specialized use.
8. The EPA registration of strychnine for any above ground use was canceled in 1988. Its distribution or use for above ground application is prohibited.

RCRA

9. The Resource Conservation and Recovery Act (RCRA, 42 U.S.C. 6901 et seq.) regulates the treatment storage, and disposal of hazardous waste. It does this through a permitting process designed to assure that hazardous waste is safely handled and discarded. Under 42 U.S.C. 6928(d)(2)(A), it is a crime knowingly to treat, store, or dispose of a listed hazardous waste without a permit issued in compliance with the provisions of the statute. Sodium fluoroacetate (1080) is listed as an acute hazardous waste (EPA number P058) under 40 CFR 261.33. As such it may not be incinerated or otherwise disposed of without first obtaining a permit issued under RCRA.



### The Migratory Bird Treaty Act

10. The Migratory Bird Treaty Act (16 U.S.C. 703-711) prohibits the hunting, capturing, killing, or possession of protected migratory birds. Bald eagles and golden eagles are birds listed in 50 CFR 10.13 as protected migratory birds under the Migratory Bird Treaty Act.

### BASIS OF AFFIANT'S INFORMATION

11. I have received the following information from written reports and oral communications with U.S. Fish and Wildlife Special Agent [redacted] and a cooperating private individual (CPI) whose identity is being withheld for protection. The CPI has been working under the supervision of Agent [redacted] in the year and a half that the CPI has been assisting FWS, [redacted] has shown [redacted] to be accurate and reliable. Reports which the CPI has made to [redacted] regarding the names of individuals, the use and identification of pesticides, and the substance of meetings and conversations have been independently confirmed.
12. [redacted] has been employed with the FWS for the past four years. For the seven years prior, [redacted] was employed with the Montana Department of Fish, Wildlife, and Parks as a Game Warden for the Division of Law Enforcement. [redacted] has received training in the identification of pesticides used to kill predators of sheep and other domesticated animals. The CPI became acquainted with [redacted] through work that the CPI did at the University of Wyoming developing legal means for protecting sheep from predator species. During that time [redacted] became aware of the distribution and illegal use of poisons in the western states. [redacted] contacted FWS and has since been working in cooperation with FWS.

### FACTUAL BASIS FOR PROBABLE CAUSE

#### Distribution of Pesticide in Violation of FIFRA May 19, 1990

13. On April 23, 1990 and on May 1, 1990, the CPI had a telephone conversation with [redacted], the Predator Control Consultant employed by the Wyoming Department of Agriculture (WDOA). [redacted] told the CPI that [redacted] had 70 pounds of 1080 in a safe at the Department of Agriculture Weights and Measures Laboratory Building where [redacted] works. The Wyoming Department of Agriculture Weights and Measures Laboratory Building is a brown single story cinder block building located at 1310 East 5th Street in Cheyenne, Wyoming (WDOA Lab Building). [redacted] told the CPI that [redacted] can remove some of the 1080 and, by switching labels

on cans and destroying other materials, [redacted] can make it appear that the 1080 [redacted] takes was properly discarded. [redacted] told the CPI that 1080 is a pesticide whose registration was canceled by EPA in 1972. [redacted] gave the CPI instruction on how to use 1080 to kill sheep predators by injecting it into animal carcasses or inserting it into meat baits and then distributing the carcasses or baits in rangeland for consumption by predators.

14. On May 19, 1990 the CPI told [redacted] that [redacted] knew a rancher in Wyoming who wanted to buy 1080 to poison coyotes and other predators. The CPI and [redacted] went to the WDOA Lab Building at 1510 East 5th Street in Cheyenne, Wyoming where [redacted] gave the CPI an eight ounce can of 1080 and 150 capsules of strychnine. Before giving the CPI the can of 1080, [redacted] removed its label. [redacted] told the CPI not to tell anyone where [redacted] got it. [redacted] asked the CPI to find out how much money [redacted] could get from ranchers for 1080. The CPI told [redacted] that [redacted] would give [redacted] half of whatever [redacted] got for the poison.

Distribution of Pesticide in Violation of FIFRA  
October 26, 1990

15. On October 26, 1990, [redacted] and the CPI met at the WDOA Lab Building at 1510 East 5th Street in Cheyenne, Wyoming. The CPI gave [redacted] \$300.00 for the can of 1080 the CPI bought from [redacted] on May 19, 1990.
16. [redacted] took a can of 1080 from a drawer in [redacted] desk and gave it to the CPI. [redacted] and the CPI then walked to a green safe in the garage part of the building. [redacted] dialed the combination and opened the safe. [redacted] took a can of 1080 out of the safe, scratched off its serial number with [redacted] pocket knife and handed it to the CPI. [redacted] said [redacted] would make it appear as if the 1080 had been officially disposed of.

Distribution of Pesticide in Violation of FIFRA  
December 11, 1990

17. On December 11, 1990, [redacted] and the CPI met with [redacted] at [redacted] office in the WDOA Lab Building at 1510 East 5th Street in Cheyenne, Wyoming. [redacted] lead them to a pair of grey safes in the garage portion of the building. [redacted] read the combination for the safes from a small calendar book [redacted] regularly carries in the front pocket of [redacted] shirt. [redacted] opened a safe and removed a can of strychnine powder and some [redacted] capsules and put them into an ammunition box for [redacted] and the CPI. [redacted] showed Agent [redacted] and the CPI other pesticides which [redacted] stores in the grey safe.



showed them a can of larvacide and a can of calcium cyanide, both of which, said, are used to kill prairie dogs.

18. then took the appointment book from shirt pocket, opened it, and after consulting it, dialed the combination to a green safe located near the grey safes. and the CPI saw about 130 cans of 1080 in the safe. showed them 100 one ounce cans of strychnine which were also in the green safe and which said were used to kill skunks. took the two cans of 1080 out of the green safe and removed the label from one and, with knife, scratched the serial number off the other. then put the two cans into an ammunition box. also put into an ammunition box two cans of cyanide which had previously taken from the grey safe. then showed and the CPI an unnamed chemical that claimed was packaged in 1944. said that it was not registered for pesticide use but that had used it anyway to poison a colony of prairie dogs.
19. told and the CPI that had gotten a local locksmith to change the combination of the safes in the WDOA Lab Building so that EPA could not get into the safes to inspect the poisons.
20. The CPI gave \$700.00 for the strychnine, 1080, and cyanide which placed for into two ammunition boxes. and the CPI took the ammunition boxes into the CPI's vehicle and left.

Distribution of Pesticide in Violation of FIFRA  
January 25, 1991

21. On January 25, 1991, and the CPI met at the WDOA Lab Building at 1510 East 5th Street in Cheyenne, Wyoming. They walked to a grey safe in the garage part of the warehouse. dialed the combination to the safe which read from the calendar book took from the front pocket of shirt. saw in the safe approximately 30 boxes. each containing about 50 sodium cyanide capsules. took four boxes from the safe and gave them to One of the boxes was marked, "Not on Inventory." told that would not charge for the cyanide; could make it up to with the next pesticide purchases. was not at the time licensed as an M-44 applicator to use sodium cyanide capsules.
22. showed other poisons located in the grey file safe, among them six white cans of DDT which said is now illegal for the uses to which it had originally been put.

Distribution of Pesticide in Violation of FIFRA  
February 15, 1991

23. On February 11, 1991, the CPI called [redacted] in and told that some ranchers had asked [redacted] to get for them 300 cube size poisoned baits to be scattered in rangeland. [redacted] told the CPI how to make up the baits by melting lard, lacing it with poison, and then letting it cool in ice cube trays.
24. In a February 13, 1991 telephone conversation with the CPI, [redacted] said that [redacted] was doing some testing in the manufacture of poisoned lard drop baits. [redacted] agreed to make up 300 drop baits containing 1080. [redacted] said that at the dosage [redacted] was using, it would take the 1080 a few hours to kill animals that eat it, so there will be little danger of anyone finding dead animals in the area in which the baits are scattered.
25. On February 15, 1991, [redacted] and the CPI met at the WDOA Lab Building at 1510 East 5th Street, Cheyenne, Wyoming. They walked to a refrigerator in the back room of the building. [redacted] removed from the refrigerator a bag containing about 120 lard drop baits poisoned with 1080 and gave it to [redacted]. [redacted] said that [redacted] wanted \$150.00 in cash for the baits. [redacted] refused to take a check from [redacted] saying that a check could be traced and could get [redacted] into trouble. [redacted] took the baits and promised to pay when [redacted] got some money. On February 15, 1991 [redacted] met [redacted] in Casper, Wyoming and paid [redacted] \$150.00 in cash for the poisoned baits [redacted] bought from [redacted] on February 15, 1991.

Distribution of Pesticide in Violation of FIFRA  
June 25, 1991

26. On June 25, 1991 [redacted] and the CPI met at the WDOA Lab Building at 1510 East 5th Street in Cheyenne, Wyoming. [redacted] opened up a grey safe located in the building and took out a can of strychnine. [redacted] asked about the 1080 and [redacted] told [redacted] that the 1080 in which [redacted] was interested was still there. [redacted] said that if [redacted] made all the 1080 [redacted] has at the building into drop baits and sold them, [redacted] could make \$3,000,000.00 to contribute to [redacted] retirement fund.
27. [redacted] gave [redacted] and the CPI the can of strychnine that [redacted] had taken from the grey safe. [redacted] also gave them three one-ounce plastic bottles of strychnine, a can of sodium cyanide, two more glass bottles of strychnine, and two cans of 1080. [redacted] wanted \$850.00 for all of the poisons.



said that it would take a couple of weeks to get the cash. agreed to wait.

28. showed a bottle of poison capsules which took from a drawer in desk. told that the capsules had been used to kill predators but did not know what kind of poison the capsules contained.

Present Location of Pesticides and  
Intent to Sell Pesticides Confirmed  
September 3, 1991

29. On Tuesday, September 3, 1991, telephoned at office at the WDOA Lab Building at 1510 East 5th Street in Cheyenne, Wyoming. told that would stop by office at the WDOA Lab Building on Thursday September 5, 1991 to pay the \$850.00 owes for the 1080 received from on June 25, 1991. asked if has more of the pesticide he purchased and whether would sell some when comes by on Thursday (September 5, 1991). said that did have more of the pesticide at office and that would sell some of it.

Disposal of Hazardous Waste in Violation of RCRA

30. During their visits to the WDOA Lab Building at 1510 East 5th Street, Cheyenne, Wyoming described above, and the CPI saw, between office and the garage part of the building, a kiln about 2 feet square in size. The kiln appeared to vent through a pipe extending up through the roof. During the October 26, 1990 visit to the WDOA Lab Building, told and the CPI that uses the incinerator to burn old sheep collars containing 1080 poison. These collars are placed on sheep to kill coyotes and other predators who, in biting a sheep's neck, cause the release of some of the 1080, thereby killing the predator. The Wyoming Department of Agriculture is authorized to distribute these collars to ranchers. Ranchers return the old and used 1080 collars to the WDOA. Many of these collars still contain substantial amount of the 1080 poison with which they were filled. told and the CPI that used to collect the sludge from the burned 1080 collars through copper tubing that emptied into a tin can. recalls having seen that copper tube assembly. aid that has gotten rid of the tube and can. told that incineration of 1080 collars violates EPA regulations.
31. On August 28, 1991, of the EPA Criminal Investigation Division, spoke to of the EPA

Wyoming section of the RCRA Implementation Branch about the incineration of 1080, a listed acute hazardous waste under 40 CFR 261.33. If a permit had been issued under the authority of RCRA, that would allow incineration of hazardous waste in the WDOA Lab Building. It would be listed in the files in the office. [redacted] to searched [redacted] office files and reported to [redacted] that no RCRA permit had been issued to the WDOA, or to [redacted] predecessor, that would allow hazardous waste to be incinerated or otherwise disposed of in the WDOA Lab Building.

Poisoning of Eagles  
In Violation of The Migratory Bird Act

32. While [redacted] was in the DOA Lab Building on October 26, 1990, discussed with the CPI the use of 1080 to kill eagles. [redacted] indicated that [redacted] knew that the killing of eagles is illegal but [redacted] said that it is a widespread practice among sheep ranchers. [redacted] said that the U.S. Fish and Wildlife Service is unsuccessfully trying to stop it. [redacted] told the CPI that [redacted] has some films on the book shelf near [redacted] desk of eagles eating poisoned meat bait.

Further Affiant sayeth not.

DATED this 4th day of September, 1991.

STATE OF WYOMING )  
COUNTY OF LARAMIE ) 22.

On the 4th day of September, 1991, [redacted] personally appeared before me a Notary in and for the State of Wyoming, County of Laramie.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:



# United States District Court

For the DISTRICT OF Wyoming

In the Matter of the Search of

Place, address or brief description of person or property to be searched

NW Qtr Sec 15, TWP 15 N, R 73 W  
Near Laramie, Wyoming

## SEARCH WARRANT

CASE NUMBER: 91 DC 161

TO: \_\_\_\_\_ and any Authorized Officer of the United States  
U.S. Environmental Protection Agency, Criminal Investigation Division and support sta  
U.S. Fish and Wildlife Service Agents  
Affidavit(s) having been made before me by \_\_\_\_\_ who has reason to

believe that ☐ on the person of or ☒ on the premises known as (name, description and/or location)

NW Qtr Sec 15, TWP 15 N, R 73 W, Near Laramie, Wyoming.  
(See Attachment A herein incorporated by reference.)

In the \_\_\_\_\_ State \_\_\_\_\_ District of \_\_\_\_\_ Wyoming there is not  
concealed a certain person or property, namely (describe the person or property)

See Attachment B herein incorporated by reference.

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before **SEP 13 1991**

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime — 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as the reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a \_\_\_\_\_ of the person or property seized and promptly return this warrant to \_\_\_\_\_ as required by law.

U.S. Judge or Magistrate

**SEP 04 1991**

Date and Time Issued

3:05 pm

at

City and State

CERTIFIED TRUE AND CORRECT COPY

William C. Beaman

Name and Title of Judicial Officer

United States Magistrate

United States Magistrate

Signature of Judicial Officer

Attachment A

**Description of property to be searched:**

1. The residence, barn, shed, out buildings, pasture, and rangeland of the ranch owned by \_\_\_\_\_ in Albany County, near Laramie, Wyoming.
2. A tan colored Ford pickup truck, owned by \_\_\_\_\_, license plate number 5-WOOL.

The \_\_\_\_\_ is located in the Northwest Quarter of Section 15, Township 15 North, Range 73 West. The \_\_\_\_\_ can be reached by driving south on Soldier Springs Road from the Holiday Inn in Laramie, Wyoming, approximately 1.3 miles to a dirt road which intersects Soldier Springs Road from the east. On this dirt road drive east approximately 0.5 miles and the \_\_\_\_\_ house will be on right hand side of the road (See attached map).





Attachment B**Description of property to be seized:**

All pesticides and poisons and all cans, jars, bottles, containers, file cabinets, safes, desks, and drawers in which they are being stored. All instruments, equipment, scales, testing or measuring devices used for handling, packaging, sampling, or storing pesticides. All devices which are used for applying, distributing, or releasing pesticides into the environment or directing it at an intended target. All animal carcasses, meat or lard baits in which pesticides have or might have been placed. All pamphlets, books, reports, labels, and government documents, either tangible or on computer disks, providing instructions on the use, content, or danger of particular pesticides and such materials describing the laws, regulations, and restrictions governing the distribution or use of any pesticide or poison. All inventory lists or descriptions by name, type, or use of the pesticides that are currently stored at the ranch or that have at any time been stored, used at, disposed of at, brought to, or distributed from the ranch. Documents and computer disks containing the names, addresses, or telephone numbers of individuals or entities who have brought or offered to bring pesticides to or who have taken pesticides from the ranch and all records of money paid by or received from such individuals or entities relating to the distribution of pesticides or equipment involved in their use.

# United States District Court

For the DISTRICT OF Wyoming

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be searched)

NW Qtr Sec 15, TWP 15 N, R 73 W  
Near Laramie, Wyoming

## APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER: 9100161

I, U.S. Environmental Protection Agency being duly sworn depose and say:  
I am a(n) Special Agent, Criminal Investigation Division and have reason to believe

that ☐ on the person of or ☒ on the property or premises known as (Name, description and/or location)

See Attachment A, incorporated herein by reference.

In the District of Wyoming  
there is now concealed a certain person or property, namely (Name of person or property to be searched)

See Attachment B, incorporated herein by reference.

Which is at least one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure

Evidence of the violation of the statutes described in Attachment C.

concerning a violation of Title 7 United States code, Section(s) 136

The facts to support a finding of Probable Cause are as follows:

See attached Affidavit.

AFFIDAVIT HAS BEEN SUPPLEMENTED BY TAPE RECORDED ORAL TESTIMONY.

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ No

Signature of Affiant

Sworn to before me, and subscribed in my presence

SEP 04 1991

Date

William C. Peckham

United States Magistrate

Name and Title of Judicial Officer

at

City and State

CERTIFIED A TRUE AND CORRECT COPY

Signature of United States Magistrate

Page 5 of 13

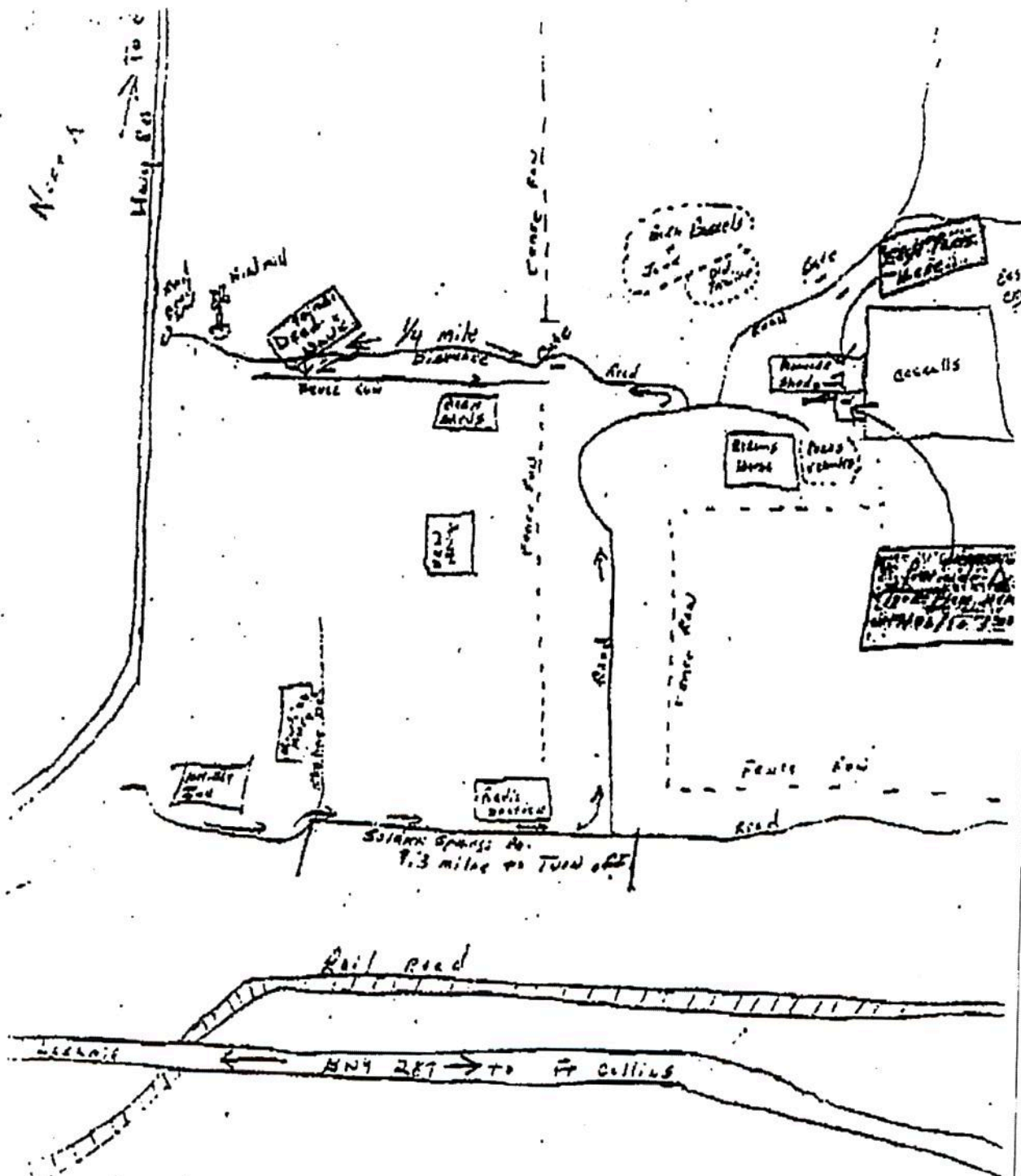


Attachment A

**Description of property to be searched:**

1. The residence, barn, shed, out buildings, pasture, and rangeland of the ranch owned by \_\_\_\_\_ in Albany County, near Laramie, Wyoming.
2. A tan colored Ford pickup truck, owned by \_\_\_\_\_, license plate number S-WOOL.

The \_\_\_\_\_ Ranch is located in the Northwest Quarter of Section 15, Township 15 North, Range 73 West. The \_\_\_\_\_ Ranch can be reached by driving south on Soldier Springs Road from the Holiday Inn in Laramie, Wyoming, approximately 1.3 miles to a dirt road which intersects Soldier Springs Road from the east. On this dirt road drive east approximately 0.5 miles and the \_\_\_\_\_ house will be on right hand side of the road (See attached map).



Map Drawn By - CPT  
**SENSITIVE**  
 Attachment # 111

Attachment 8

**Description of property to be seized:**

All pesticides and poisons and all cans, jars, bottles, containers, file cabinets, safes, desks, and drawers in which they are being stored. All instruments, equipment, scales, testing or measuring devices used for handling, packaging, sampling, or storing pesticides. All devices which are used for applying, distributing, or releasing pesticides into the environment or directing it at an intended target. All animal carcasses, meat or lard baits in which pesticides have or might have been placed. All pamphlets, books, reports, labels, and government documents, either tangible or on computer disks, providing instructions on the use, content, or danger of particular pesticides and such materials describing the laws, regulations, and restrictions governing the distribution or use of any pesticide or poison. All inventory lists or descriptions by name, type, or use of the pesticides that are currently stored at the \_\_\_\_\_ ranch or that have at any time been stored, used at, disposed of at, brought to, or distributed from the \_\_\_\_\_ ranch. Documents and computer disks containing the names, addresses, or telephone numbers of individuals or entities who have brought or offered to bring pesticides to or who have taken pesticides from the \_\_\_\_\_ ranch and all records of money paid by or received from such individuals or entities relating to the distribution of pesticides or equipment involved in their use.



Attachment C**Statutory Provisions Violated:**

Based upon the information provided by \_\_\_\_\_ and the CPI, I submit that there is probable cause to believe that there is evidence in the ranch out buildings and in the residence of \_\_\_\_\_ (as described in Attachment A) of violations of the following statutes:

7 U.S.C. 136j(a)(1) - The distribution or holding for distribution of an unregistered pesticide.

7 U.S.C. 136j(a)(2)(f) - The making available for use or the use of any registered pesticide classified for restricted use for purposes other than those for which it is registered.

7 U.S.C. 136j(a)(2)(G) - The use of any registered pesticide in a manner inconsistent with its labeling.

7 U.S.C. 136j(a)(2)(I), (J), (K) - The violation of any order, suspension order, or registration cancellation issued by EPA.

Affidavit of  
Lori A. Hanson

I, \_\_\_\_\_, being duly sworn do hereby depose and say:

1. I am a Special Agent of the United States Environmental Protection Agency, Criminal Investigation Division, and have served in that capacity for five years. The Criminal Investigation Division has primary jurisdiction to investigate federal environmental laws. During my five years as a Special Agent with EPA, I have attended numerous training sessions dealing with environmental laws and investigations, and I have conducted at least 30 criminal investigations.

Introduction

2. This application for a search warrant has developed from a covert investigation conducted by the U.S. Fish and Wildlife Service (FWS) into the killing of protected species such as golden and bald eagles through the illegal use in western states of highly toxic pesticides which have been restricted or banned by the Environmental Protection Agency (EPA). These pesticides are distributed throughout vast areas of rangeland where they poison wildlife and pose a danger to domesticated animals and to humans.
3. Based upon the information that has developed during the course of its investigation, the government submits that there is probable cause to believe that:
  - restricted use and unregistered pesticides are being sold at, distributed from, and are being held for sale and distribution, in violation of federal law, at the location for which this search warrant is being sought.
  - pesticides are being used at the location for which this search warrant is being sought in a manner contrary to their permitted use under federal law.

Basis for Affiant's Information

4. I have received the following information from written reports and oral communications with U.S. Fish and Wildlife Service (FWS), U.S. Fish and Wildlife Service, and a cooperating private individual (CPI) whose identity is being withheld for protection. The CPI has been working under the supervision of \_\_\_\_\_ and \_\_\_\_\_ in the year and a half that the CPI has been assisting FWS, \_\_\_\_\_ has shown \_\_\_\_\_ to be accurate and reliable in \_\_\_\_\_ reports. The reports which the CPI has made to \_\_\_\_\_ regarding the name of individuals, the use and \_\_\_\_\_



Identification of pesticides, and the substance of meetings and conversations has been independently confirmed.

5. has been employed with the FWS for the past four years. For the seven years prior, was employed with the Montana Department of Fish, Wildlife, and Parks as a Game Warden for the Division of Law Enforcement. has been employed with FWS for three and a half years. For the two years prior, was a Deputy U.S. Marshall. For the five previous years he served as a South Dakota State Conservation Officer.
6. The CPI became acquainted with through people he got to know in work at the University of Wyoming developing legal means for protecting sheep from predators. During that time became aware of the distribution and illegal use of poisons in the western states. contacted FWS and has since been working in cooperation with FWS.

#### APPLICABLE LAWS FIFRA

7. The Federal Insecticide Fungicide and Rodenticide Act (FIFRA, 7 U.S.C. 136a et seq) regulates the manufacture, distribution, and use of pesticides. Under section 136a of FIFRA, EPA is authorized to register pesticides according to what it establishes to be their safe and effective uses. A pesticide may only be distributed or used in a form and manner consistent with the terms of its registration. The distribution or the holding for distribution of any unregistered pesticide is a criminal violation of FIFRA, 7 U.S.C. 136j (a) (1). It is also unlawful for any person to use any pesticide in a manner inconsistent with the terms of its registration or labeling.
8. Thallium sulfate was banned in 1972 and remains, in all forms, an unregistered pesticide. Methomyl, Temik, and strychnine are restricted use pesticides under 40 CFR 152.175 which are not registered for above-ground use against rangeland predators. Sodium cyanide is registered for use as a preadicide only in capsule form to be used in a spring-loaded ejection device called an M-44. Its distribution as a pesticide in any other form is prohibited.

#### FACTUAL BASIS for Probable Cause

9. On June 3, 1990 the CPI went to ranch in Albany County near Laramie, Wyoming to discuss predator control. told the CPI that uses a variety of poisons to kill wildlife on ranch. showed the CPI a bottle of Temik



and a bottle of methomyl. said that uses both for poisoning wildlife and stated that possesses more of each pesticide. also told the CPI that has another poison, thallium sulfate, with which laces animal carcasses. ( then distributes the carcasses on rangeland in an effort to kill the wildlife that feeds on the carcasses. told the CPI that two different people had called the local sheriff claiming that had poisoned their dogs. said, "they can't prove it, but I have one in my dump pile".

10. On July 23, 1990, the CPI under the direct supervision of U.S. Fish and Wildlife purchased from at ranch near Laramie, Wyoming, 10 pounds of thallium sulfate, five pounds of sodium cyanide, two pounds of methomyl, eight grams of 1080, five grams of pure strychnine, 500 strychnine tablets, and five ounces of processed strychnine. The CPI paid \$800.00 in cash for these pesticides. provided instructions to the CPI as to how to use the chemicals to poison rangeland predators and other wildlife.
11. The pesticides purchased by the CPI on July 23, 1990 had been kept in one of the out buildings of the ranch, a barn attached to a white shed.
12. On February 15, 1991. the CPI and met with at ranch. told them that had put out hot dogs laced with Temik poison to kill dogs, coyotes, and foxes.
13. On February 22, 1991, while at ranch near Laramie, Wyoming, the CPI observed give four ounces of methomyl. The CPI also heard give Howard directions as to how to lace animal carcasses with the methomyl poison for the purpose of killing wildlife.
14. On March 22, 1991. while at ranch near Laramie, Wyoming, and the CPI purchased 15 capsules containing Temik from for \$75.00. produced these capsules from inside residence on ranch in Laramie, Wyoming.
15. On May 3, 1991, told the CPI that had laced a dead buck sheep with Temik and placed it out in pasture. Later that day the CPI located the poisoned carcass on the ranch.
16. On May 13, 1991, and the CPI located and documented the poisoned sheep carcass in the pasture of the ranch.
17. On May 29, 1991, and the CPI saw a plastic bottle behind the seat of a tan colored Ford

pickup truck, Wyoming license plate number 5-WOOL. stated that the bottle contained meat baits laced with Temik poison. said that used the meat baits on ranch to poison wildlife.

18. On August 13, 1991, the CPI visited at ranch near Laramie, Wyoming. The CPI asked if had any Temik that would sell. said that did have Temik but that wanted to keep it for own use. said also had some methomyl. The CPI walked with from the barn yard into house. said that would check to see how much poison has left. went into den and took a jar of methomyl from a grey box. gave the jar of methomyl to the CPI. told the CPI that was going to keep the Temik because it kills quicker than methomyl.

Further Affiant sayeth not.

DATED this 4th day of September, 1991.

~~STATE OF WYOMING~~

STATE OF WYOMING )  
COUNTY OF LARAMIE ) ss.

On the 4th day of September, 1991, personally appeared before me a Notary in and for the State of Wyoming, County of Laramie.

NOTARY PUBLIC

My Commission Expires:



# United States District Court

State and DISTRICT OF Colorado

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be searched)

Premises known as  
Humane Coyote Getters, Inc.  
2955 Lakeview Avenue  
Pueblo, Colorado

## APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER: 91-10097m

I, \_\_\_\_\_, being duly sworn depose and say:  
Special Agent of the  
I am a(n) U.S. Environmental Protection Agency and have reason to believe  
Official Title

that ☐ on the person of or ☒ on the property or premises known as (name, description and/or location)

The Humane Coyote Getters, Inc. located at 2955 Lakeview Avenue, Pueblo, CO.  
(See Attachment 1 herein incorporated by reference).

In the \_\_\_\_\_ State and \_\_\_\_\_ District of \_\_\_\_\_ Colorado

there is now concealed a certain person or property, namely describe the person or property to be seized

(1) Cyanide being offered for illegal sale; (2) Sales records, notes, shipping papers, log books, diaries, statements of foreign purchasers, invoices, accounts payable, accounts receivable, inventory records (See Attachment 2 herein incorporated by reference).

Which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

Property that constitutes evidence of the commission of a criminal offense and property designed or intended for use or which has been used as the means of committing a crime.

concerning a violation of Title 7 United States code, Section(s) 136

The facts to support a finding of Probable Cause are as follows:

1. Your affiant is a Special Agent with the Criminal Investigation Division, of the U.S. Environmental Protection Agency (EPA) assigned to the Denver Area Office, Denver, Colorado. (See Attachment 3 herein incorporated by reference).

RECEIVED  
SEP 10 1991  
GOLDEN  
LAW ENFORCEMENT

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ No

Signature of Affiant

Sworn to before me, and subscribed in my presence

Date

Sept 3, 1991

at

City and State

Denver, Colorado

Name and Title of Judicial Officer

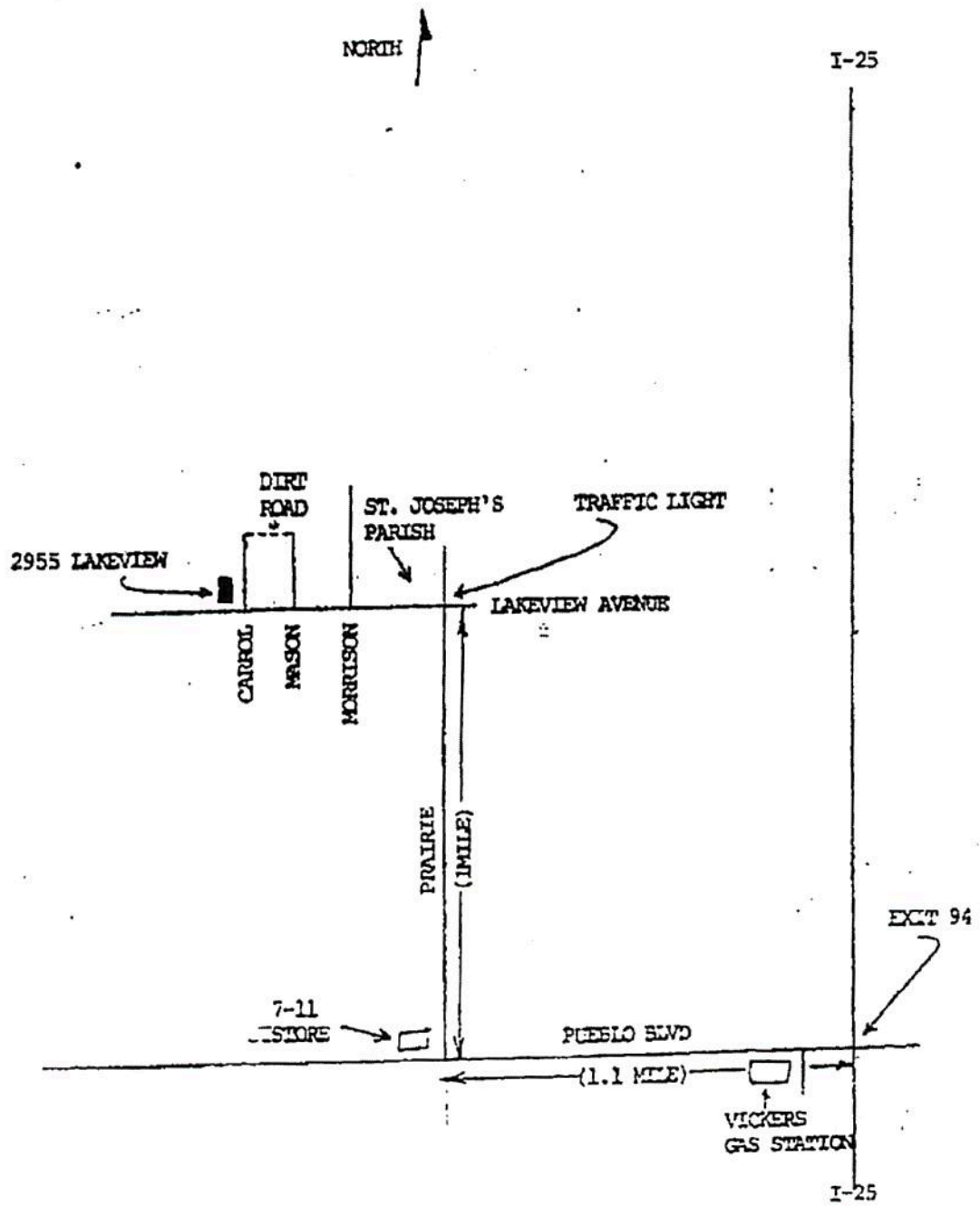
Richard M. Borchers  
U.S. Mag. Judge

Signature of Judicial Officer

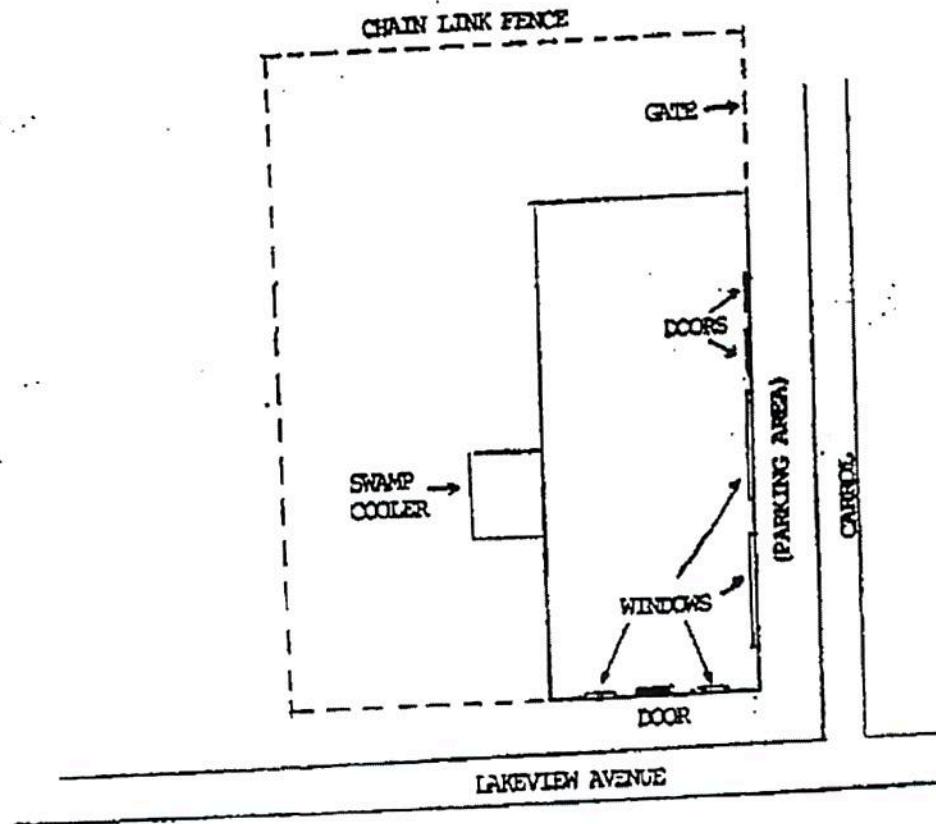
ATTACHMENT 1

REFERRAL



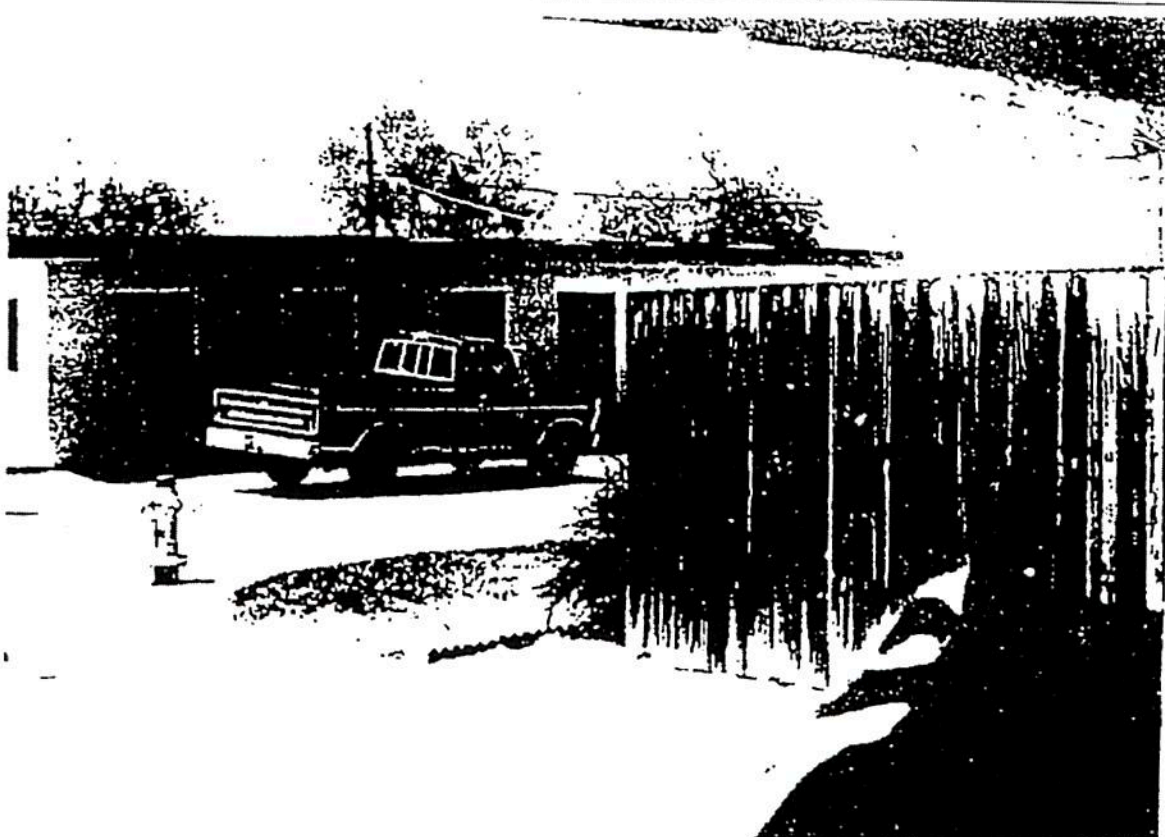


NORTH ↑



Attachment 1  
Page 3

REFERRAL



Photograph of 2955 Lakeview Avenue. Taken from the east side of the building facing west.

Photograph taken by                      on 05/02/91.



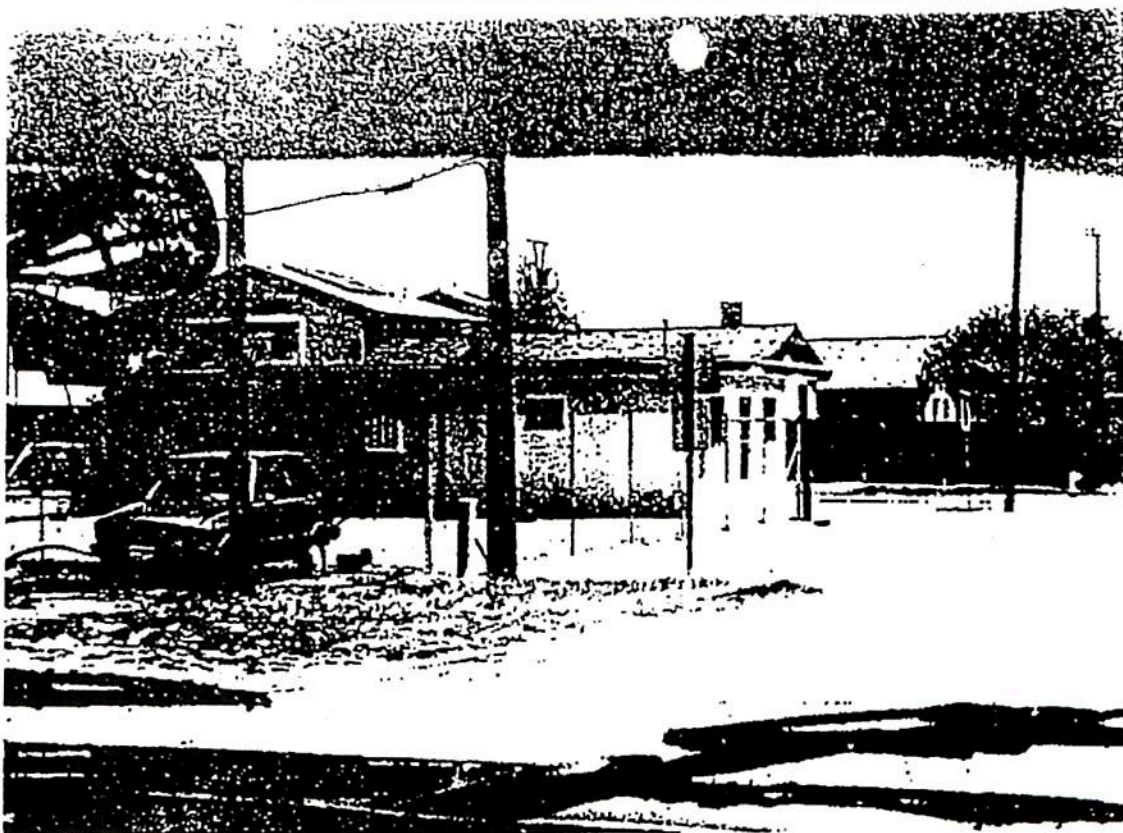


Photograph of 2955 Lakeview Avenue. Taken from the south side of the building facing north.

Photograph taken by                      on 05/02/91.

Attachment 1  
Page 1

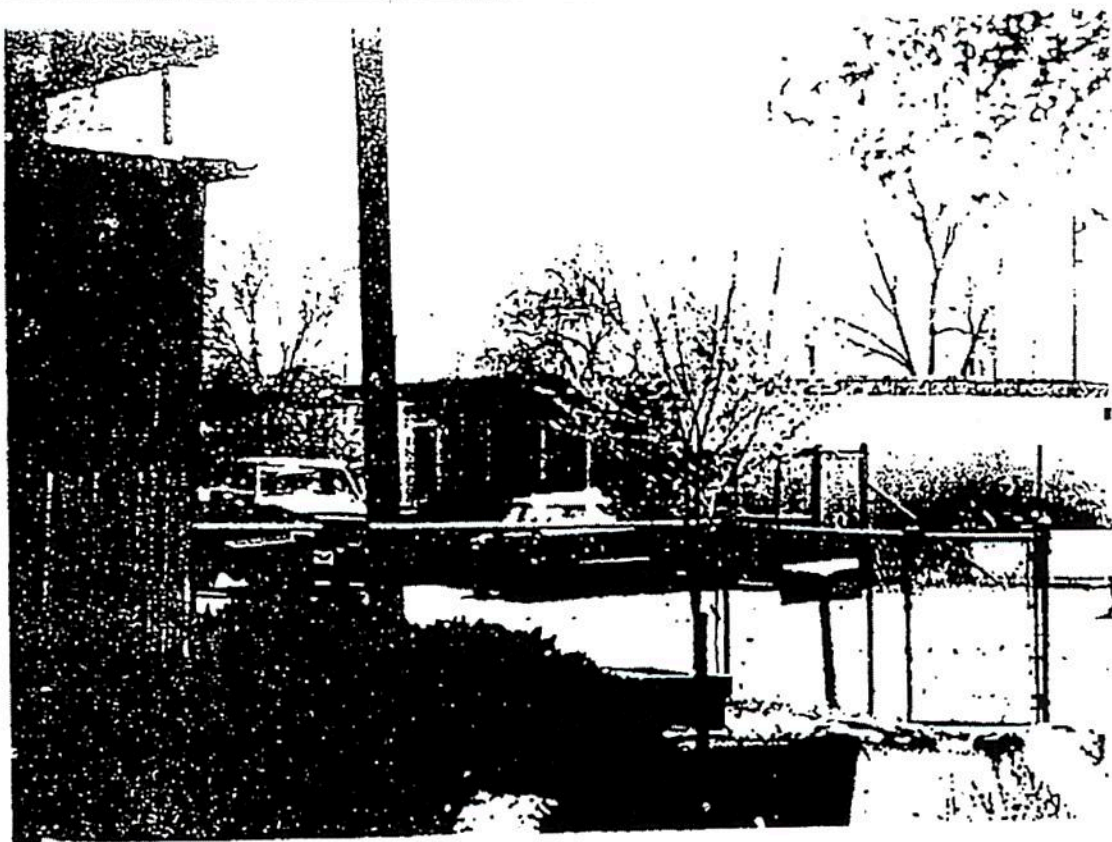
REFERRAL



Photograph of 2955 Lakeview Avenue. Taken from the west side of the building facing east.

Photograph taken by                      on 05/02/91.

Attachment 1  
Page 6



Photograph of 1945 Lakewood Avenue. Taken from the east side of the building  
facing southwest.

Photograph taken by                      on 05/02/91.

Attachment 7  
Page 7

REFERRAL



Attachment 1

Directions to 2955 Lakeview Avenue are as follows (see attached map, page 2 of Attachment 1):

1. Traveling south on I-25, take the Pueblo Blvd exit (Exit 94) and proceed in a westerly direction for approximately 1.1 miles to the intersection of Prairie and Pueblo Blvd.
2. turn north on Prairie and travel for approximately one (1) mile to the intersection of Lakeview Avenue and Prairie.
3. Turn west on Lakeview Avenue and travel for approximately 0.2 miles to the intersection of Lakeview Avenue and Carrol. 2955 Lakeview Avenue is located on the northwest corner of this intersection.

2955 Lakeview Avenue is a yellow/beige cinder block building with a brown trim around a flat roof. There are two windows with a door between them on the south side of the building. On the east side of the building there are several windows and two doors towards the north end of the building. One of the doors on the east side of the building appeared to be the main entrance to the business (see attached sketch of premises, page 3 of Attachment 1). Photographs of 2955 Lakeview Avenue are attached as pages 4-7 of Attachment 1.

Attachment 2

Description of Property to be Seized

manifests, memoranda, sales brochures and advertisements.

(3) Reports and records required by the U.S. Environmental Protection Agency, the State of Colorado and local emergency response agencies of inventory, sales and distribution, of cyanide.

The aforementioned materials and records constitute evidence and instrumentalities of violation Title 7 U.S.C. Section 136, Title 18, U.S.C. Section 1001 and Title 42, U.S.C. Sections 11022 and 11045.

Attachment 3

The Criminal Investigations Division has primary jurisdiction to investigate violations of the Environmental Laws of the United States. These Laws include the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (Title 7 U.S.C. Section 136, *et seq*), as well as other environmental laws of the United States. FIFRA is a law enacted by the Congress of the United States and in general makes it unlawful to distribute or sell to any person any pesticide that is not registered with the U.S. Environmental Protection Agency (EPA). This law also makes it unlawful to sell or distribute any pesticide whose registration has been canceled or suspended. Your affiant has been a [redacted] for the Criminal Investigation Division of the United States Environmental Protection Agency for four years, during which I have attended various training sessions dealing with environmental laws and investigations and I have conducted at least 15 criminal investigations.

2. This application is based on the following investigation conducted to date by your affiant and [redacted] of the U.S. Fish and Wildlife Service. All of the documents and reports referred to below have been read by your affiant. A cooperating private individual (CPI) has provided information and contacts during this investigation. This CPI has provided information to [redacted] of the U.S. Fish and Wildlife Service since January 1990 and this information has proven to be accurate and reliable. The CPI's identity is being withheld for the CPI's personal protection. Where information was received by your affiant from other persons who conducted parts of the investigation, that person's name is given. Your affiant has personally spoken to these persons about the information asserted below.
3. [redacted] is a [redacted] with the U.S. Fish and Wildlife Service, Division of Law Enforcement. [redacted] has been so employed for four years. Prior to that, [redacted] was employed for seven years with the Montana Department of Fish, Wildlife and Parks as a game warden for the Division of Law Enforcement. [redacted] has received training and had experience in the identification, application, and use of a cyanide poison dispensing device called, "Humane Coyote Getter," plus other poisonous substances used to kill predatory or scavenging wildlife.
4. [redacted] is a [redacted] with the U.S. Fish and Wildlife Service (USFWS). [redacted] has been continuously employed by the USFWS for 11 years during which the last 9 years [redacted] has been assigned to conduct criminal investigations in the Western United States, including the states of Wyoming and Colorado. On August 16, 1991 [redacted] told your affiant the following:
  - a. In early 1990, the U.S. Fish and Wildlife Service initiated an undercover investigation into the



unlawful taking of protected species of wildlife. The focal point of this investigation was in several western states and included Colorado.

- b. In furtherance of this investigation, \_\_\_\_\_ of the U.S. Fish and Wildlife Service assumed an undercover identity. In the fall of 1990, \_\_\_\_\_ and a CPI established a predator control business and based it in Laramie, WY. The purpose of this covert business was to penetrate the existing illegal pesticide supply network.
5. Special \_\_\_\_\_ began documenting the widespread illegal sale and use of restricted and banned pesticides through undercover contacts in Wyoming. Two of these contacts included pesticide traffickers \_\_\_\_\_ of Cheyenne, WY, and \_\_\_\_\_ of Alpine, Texas.
  6. In the fall of 1990, \_\_\_\_\_ and \_\_\_\_\_ independently informed \_\_\_\_\_ that the presently legal, but tightly controlled, M-44 cyanide dispensing devices used to kill coyotes were inferior to the "Humane Coyote Getter," which uses cyanide. \_\_\_\_\_ advised \_\_\_\_\_ to contact \_\_\_\_\_ in Pueblo, CO, where there was a possibility of purchasing some Humane Coyote Getters.
  7. On March 10, 1972, the EPA notified \_\_\_\_\_, Owner/Manager, Humane Coyote Getters, Inc. by certified mail at 2955 Lakeview Ave., Pueblo, Colorado that under the authority of 40 C.F.R Part 152.148 the pesticide registration for Humane Coyote Getters chemical cartridge containing cyanide had been canceled.
  8. On a Memoranda dated March 11, 1972, \_\_\_\_\_ notified customers that due to new legislation, regarding the use of cyanide for predator control, Humane Coyote Getters, Inc. would no longer be able to ship chemical cartridges (also known as cyanide shells). Cyanide shells are dispensed by the device known as a "Coyote Getter".
  9. On October 22, 1990, the CPI under the direction of \_\_\_\_\_ of the U.S. Fish and Wildlife Service (USFWS) contacted \_\_\_\_\_ by telephone. \_\_\_\_\_ stated that \_\_\_\_\_ could not legally sell cyanide shells in the United States.
  10. On November 12, 1990, the CPI met \_\_\_\_\_ in Pueblo, Colorado. at his shop on the corner of Lakeview and Carrol Drive. \_\_\_\_\_ stated that \_\_\_\_\_ recently shipped 50 cyanide shells to the former federal Animal Damage control (ADC) District Director in Oklahoma. The CPI purchased 50 cyanide shells from \_\_\_\_\_ for \$40.00 cash.

11. On January 31, 1991, \_\_\_\_\_ met \_\_\_\_\_ at \_\_\_\_\_ shop located at 2955 Lakeview Avenue, Pueblo, Colorado. \_\_\_\_\_ purchased 200 cyanide shells and 20 Coyote Getter's for \$250 cash. \_\_\_\_\_ told \_\_\_\_\_ it was illegal to sell cyanide shells in the United States. \_\_\_\_\_ put the 200 cyanide shells into \_\_\_\_\_ jacket pockets and instructed \_\_\_\_\_ on how to conceal the illegal shells from detection and seizure by authorities saying, "The shells would be safe there, because the police cannot search a person's body." \_\_\_\_\_ knew these cyanide shells would be used within the United States because \_\_\_\_\_ described \_\_\_\_\_ predator control operation in Colorado and Wyoming.
12. On April 21, 1991, the CPI contacted \_\_\_\_\_ at \_\_\_\_\_ shop in Pueblo, Colorado at 2955 Lakeview Avenue. \_\_\_\_\_ sold the CPI 50 cyanide shells and 3 Coyote Getters for \$60.00 cash. \_\_\_\_\_ knew these cyanide shells were to be used within the United States.
13. On May 1, 1991, \_\_\_\_\_ and the CPI contacted \_\_\_\_\_ at \_\_\_\_\_ shop in Pueblo, CO at 2955 Lakeview Avenue. \_\_\_\_\_ sold \_\_\_\_\_ 300 cyanide shells for \$240.00 cash. \_\_\_\_\_ knew these cyanide shells were to be used within the United States.
14. During an undercover meeting on May 1, 1991, \_\_\_\_\_ asked \_\_\_\_\_ about persons that \_\_\_\_\_ sold Coyote Getters and cyanide shells to in Wyoming. \_\_\_\_\_ opened the top drawer of \_\_\_\_\_ desk. \_\_\_\_\_ flipped through pieces of paper in that drawer. \_\_\_\_\_ observed the name of \_\_\_\_\_ on one of the papers. \_\_\_\_\_ is known to be a long line fur trapper from Douglas, WY. \_\_\_\_\_ commented that \_\_\_\_\_ file system is bad and \_\_\_\_\_ keeps names and phone numbers of customers for Coyote Getters and cyanide shells in that drawer. \_\_\_\_\_ said that \_\_\_\_\_ does not give out names of persons that \_\_\_\_\_ is involved in business with, and that \_\_\_\_\_ had sold cyanide shells all over the western United States.
15. Between June 21, 1991 and June 25, 1991, \_\_\_\_\_, who is a Wyoming State Department of Agriculture Pesticide Consultant, offered and sold 200 pounds of cyanide to \_\_\_\_\_ using the CPI as an intermediary. The CPI related to \_\_\_\_\_ that \_\_\_\_\_ had collected poisons which were turned in by people for destruction and for which registrations were canceled, then storing these in an old trailer house outside of Cheyenne, WY. \_\_\_\_\_ said the cyanide \_\_\_\_\_ sold to \_\_\_\_\_ was not traceable and had been stored outside of Cheyenne where \_\_\_\_\_ stores other poisons. \_\_\_\_\_ was fully aware the cyanide sold to \_\_\_\_\_ would be transported from Wyoming into Colorado.
16. On June 25, 1991 the CPI and \_\_\_\_\_ (acting in a covert position) observed a 30 gallon drum, bearing the label "CYANIDE", in the trunk of \_\_\_\_\_ car. The CPI and \_\_\_\_\_ also observed \_\_\_\_\_ give \$200.00 cash to \_\_\_\_\_ and heard \_\_\_\_\_ tell \_\_\_\_\_ that \_\_\_\_\_ would send an additional \$230.00 to \_\_\_\_\_ for the remaining amount paid for this



cyanide. knew that business place was in Pueblo,  
CO and the cyanide was to be used by at that location.

17. On July 26, 1991, your affiant interviewed Regional Pesticides Specialist EPA, Region VIII Denver, Colorado. told your affiant that cyanide is not registered for use as a pesticide within the State of Colorado and it is a violation of FIFRA to use, sell and/or distribute cyanide as a pesticide in the State of Colorado.
18. On August 12, 1991, your affiant reviewed records kept and maintained by EPA, Region VIII, Air and Toxics Division. These records show that annual pesticide reports required by EPA for the calendar years 1974-1990, inclusive, signed by reported Humane Coyote Getters Inc., 2955 Lakewood Ave., Pueblo, Colorado produced and exported approximately 125 pounds of cyanide chemical cartridges to foreign markets. These same above mentioned records, by omission, did not report any sale of cyanide chemical cartridges within the United States, including the State of Colorado. This omission would be a violation of 40 C.F.R Part 169.
19. Your affiant has reviewed 40 C.F.R. Part 169 which regulates "Books and Records of Pesticide Production and Distribution". Part 169 specifies records which must be maintained by producers and exporters of pesticides. Among records required by this part are (1) Brand name of pesticide or device, or common chemical name of the pesticide active ingredient; (2) Name and address of shipper; (3) Name of delivering carrier; (4) Date received; (5) Quantities received; (6) Name and address of cosigner; (7) Date shipped or delivered; (8) Quantities shipped or delivered for shipment; (9) Statements of foreign purchasers and pesticide inventories (40 C.F.R. Part 169.2)
20. On September 2, 1991. contacted , by telephone, and told that there were no big shipments of "stuff" (cyanide) going out of the country and that ) had the "stuff" (cyanide) but not the finished product. was told to come on by the shop (2955 Lakeview Ave) and , would be in luck.
21. Information contained in paragraphs 5, 6, 9 through 16 (inclusive) and 20, were told to your affiant by .
22. The sketches and photographs contained in Attachment 1 of this application were obtained from of the U.S. Fish and Wildlife Service. However, your affiant has personally verified the accuracy of these items by a personal visit to the described location.
23. Several other simultaneous criminal investigations of this nature are being conducted concurrently and applications for



search warrants will be sought in other Judicial Districts. Therefore, it is requested that this warrant and affidavit be sealed by the court until these warrants can be obtained and executed.

DOT-82-91 WED 03:12

EPA CID DENVER CO

TEL NO:

303 293 1878 H237 P02-13

ACD 1 (Rev 5/85) Search Warrant

# RETURN

DATE WARRANT RECEIVED

9/3/91

DATE AND TIME WARRANT EXECUTED

9/5/91 @ 08:15am

COPY OF WARRANT AND RECEIPT FOR SEARCHED

Ken Hull

INVENTORY MADE IN THE PRESENCE OF

INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT

See Attached inventory

10-1-91  
C.I. 100-6 10 2:36  
JAMES R. HANCOCK  
CLERK  
BY \_\_\_\_\_ REC. CL.

## CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.

*James R. Hancock*

Subscribed, sworn to, and returned before me this date.

*[Signature]* 9/5/91

REFERRAL

OCT-22-1991 WED 09:12 ID:EPH CID DENVER CO

TEL NO:

303 293 1878 R237 P03

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
CRIMINAL INVESTIGATION DIVISION  
Receipt for Property Received/Returned/Released/Seized

Page 1 of 1

On (date) September 5, 1991 item(s) listed below were:

☐ Received P  
☐ Returned T  
☐ Released T  
☒ Seized

(Name) \_\_\_\_\_

(Street Address) \_\_\_\_\_

(City) \_\_\_\_\_

(Location) \_\_\_\_\_

Description of  
Item(s):

1. Taurus
2. Taurus
3. File Mexico - Peru
4. File South Africa
5. Copy Marking Labels
6. File Taurus
7. Canadian Criminal File
8. EPA Report L1
9. Red Notebook
10. Coyote Gutter
11. 2.5 gallon pails Cyanide
12. 6 plastic Bags Cyanide
13. 2.1 gallon Jug Cyanide
14. 300 loaded CN shells
15. Envelope w/ 2 boxes loaded shells
16. Box containing loaded shells, CN
17. 21 boxes containing shells, CN
18. 27 boxes containing shells, CN
19. 8 oz bottle of White Powder
20. 5 pens CN Residue
21. 6 Jugs containing Cyanide
22. Coyote Gutter

REFERRAL



Receipt for Property Received/Returned/Released/Seized

Page 2 of 2

On (date) Sept 4 5, 1991 item(s) listed below were:

☐ Received From  
☐ Returned To  
☐ Released To  
☒ Seized

(Name) \_\_\_\_\_

(Street Address) \_\_\_\_\_

(City) \_\_\_\_\_

(Location) \_\_\_\_\_

Description of  
Item(s):

23 Empty jar with CN residue

24 1 Full Funnel and Jar

25 2 Jars, CN residue

Received by: \_\_\_\_\_

(signature)

Received from: \_\_\_\_\_

(signature)

REFERRAL

OCT-02-'91 WED 09:13 10:EPH CID DENVER CO TEL NO: 303 293 1872 H237 F04-13

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Page 2 of 2

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(City) \_\_\_\_\_

(Location) \_\_\_\_\_

Description of  
Item(s):

22 Empty jar with CN residue

21 Fol Funnel and Jar

25 2 Jars, CN residue

REFERRAL

# Inventory of Samples & Materials taken

- 1) 2-5 gallon pails
- 2) 6 plastic bags containing cyanide
- 3) 2-1 gallon brown jugs
- 4) 300 loaded shells in 3 wooden trays
- 5) Envelope w/shells (loaded)
- 6) Seymour Aerosol Products Box containing loaded shells
- 7) 21 Jewelry Boxes containing shells
- 8) 27 Jewelry Boxes containing shells
- 9) 1-8oz jar of white powder
- 10) 5 cake pans with residue
- 11) 6 jugs containing cyanide
- 12) Coyote Getter
- 13) Brown bag of cyanide
- 14) Wooden drum ~~with~~ containing loaded shells (discarded)
- 15) Empty jar with cyanide residue
- 16) Funnel & jar used to process cyanide
- 17) 2 jars from work bench



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Page 1 of 2On (date) September 5, 1991 item(s) listed below were:

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☒ Seized

(Name) \_\_\_\_\_

(Street Address) \_\_\_\_\_

(City) \_\_\_\_\_

(Location) \_\_\_\_\_

Description of  
Item(s):

1. Favoris
2. Favoris
3. Fibs Mexico - Peru
4. Fibs South Africa
5. Copier Marking / Label
6. Fibs Favoris
7. Canadian Criminal Fil
8. EPA Report Fil
9. Red Notebook
10. Coyote Gutter
11. 2-5 gallon plastic Cyanide
12. 6 plastic bags Cyanide
13. 2-1 gallon Fuge Cyanide
14. 300 loaded CN shells
15. Envelope w/ 3 boxes loaded shells
16. Box containing loaded shells, CN
17. 21 boxes containing shells, CN
18. 27 boxes containing shells, CN
19. 8 oz bottle of White powder
20. 5 Pans CN residue
21. 6 Fuge containing Cyanide
22. Coyote Gutter

REFERRAL

01T-02-'91 WED 03:12 ID:EPH CID DENVER CO TEL 110: 303 293 1878 #237 P02-13

AC 03 (Rev 5/85) Search Warrant

RETURN		
DATE WARRANT RECEIVED <b>9/3/91</b>	DATE AND TIME WARRANT EXECUTED <b>9/5/91 @ 08:15am</b>	COPY OF WARRANT AND RECEIPT FOR RETURN <b>Ken Hull</b>
INVENTORY MADE IN THE PRESENCE OF		

INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT

*See Attached inventory*

SEARCHED  
SERIALIZED  
INDEXED  
FILED  
SEP 6 1991  
FBI - DENVER  
BY JAMES R. LAURENCE  
CLERK  
JRL

CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.

*[Signature]*

REFERRAL